

IN THE SENATE OF THE UNITED STATES.

APRIL 8, 1880.—Ordered to be printed.

Mr. PRYOR, from the Committee on Claims, submitted the following

REPORT:

*The Committee on Claims, to whom was referred the petition of Samuel Evans, asking for the allowance of a certain claim, embracing a frame hotel at Devall's Bluff, in the State of Arkansas, and alleged to have been used and converted by the United States Government, in the year 1864, have had the same under consideration, and now report as follows :*

The committee find from the recitals in the petition all the facts which are necessary to a full determination of the claim asserted, without reference to the proof in the case.

The petition of Mr. Evans, the claimant, alleges that on the 26th day of August, 1864, he was the owner and in the possession of certain large framed hotel buildings at Devall's Bluff, in the State of Arkansas; that on or about that day, to wit, 26th August, 1864, under and by virtue of an order of Brig. Gen. C. C. Andrews, of the United States Army, he vacated and turned over to and for the use of said Army, the said hotel buildings, the same being needed, taken, and used, at first as a hospital for said Army, and afterwards taken to pieces and used for erecting camp-houses, tents, &c., for the officers and soldiers of said Army, and by them used and consumed. That on the 1st day of May, 1865, Brig. Gen. Alexander Shaler, commanding the United States troops at that place, by his order No. 119, appointed a commission to appraise, define, and determine the value of the said hotel buildings, and that said commission found and reported the value of said buildings, including rent on the same at the rate of \$25 per month, to be \$954.23. Upon being so estimated and reported to General Shaler, he, the said Shaler, the general aforesaid, regarding the same overestimated, both as to the value of said buildings and including rent, which was not referred to the said commission, by order recommitted the same to the said commission for revision. That thereupon the said commission did revise the value of said buildings and did exclude from their estimate the question of rent, and returned an estimate of the value of said buildings to the amount of \$704.10.

The petitioner claimed that a fair value of his loss and damages in the use and value of the said hotel buildings was \$3,000, and refused to receive in satisfaction and payment thereof and therefor the sum awarded him by said commission. Thus the claim remained and rested, as shown by the petitioner, until, as is likewise shown by said petitioner, the 3d day of March, 1871, when Mr. Evans filed his claim for compensation for said property to the amount of \$3,000, in the Southern Claims

Commission; that the said Southern Claims Commission, upon evidence taken and considered, adjudged that the value of the buildings, or losses sustained by Mr. Evans, was \$300; which amount so adjudged to Mr. Evans, upon his claim and petition in said court for the said hotel buildings, he, the said Evans, accepted and received. Thus this claim ended and rested, until he, Evans, presented his petition and had the same referred to this committee on the 25th March, 1879; these facts being recited by the petitioner, and to the truth of which he is held, and no doubt rightfully. This claim has been fully and repeatedly investigated by different commissions, and lastly by one of the courts of claims. Mr. Evans voluntarily applied to and accepted its findings by receiving the amount found by them, and, such being the case made out by him, the committee do not believe injustice will be done Mr. Evans to hold him to his own voluntary conduct; nor are they impressed that any injustice has been done him by either of the commissions who have examined and passed judgment upon his claim; and so believing and finding, they report adversely to his claim, and recommend that his said petition be indefinitely postponed, and that this committee be discharged from any other or further consideration thereof.

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